

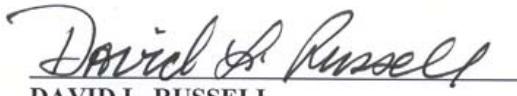
**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

| | | |
|--|---|------------------------------|
| JAMES D. HARRIS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. CIV-09-291-R |
| |) | |
| MICHAEL J. ASTRUE, |) | |
| Commissioner of the Social Security |) | |
| Administration, |) | |
| |) | |
| Defendant. |) | |

ORDER

Before the Court are the Report and Recommendation of United States Magistrate Judge Doyle W. Argo [Doc. No. 13] entered October 21, 2009 and Plaintiff's Objection to the Report and Recommendation [Doc. No. 14] filed November 11, 2009. In his Objection, Plaintiff argues for the first time that the ALJ failed to address comments by a physician in Plaintiff's medical records from North Care. However, because Plaintiff's argument was raised for the first time in his Objection to the Report and Recommendation of the Magistrate Judge, the argument is deemed waived. *See Marshall v. Chater*, 75 F.3d 1421, 1426 (10th Cir. 1996). *See also McGowan v. Apfel*, 173 F.3d 864, 1999 WL 114386 at * 1 (Mar. 5, 1999)(No. 98-7120). There being no other objection to the Report and Recommendation, the Report and Recommendation of the Magistrate Judge [Doc. NO. 13] is ADOPTED in its entirety and the decision of the Commissioner of the Social Security Administration is affirmed.

IT IS SO ORDERED this 16th day of November, 2009.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE